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Christopher Kikta

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24335 7590 07/09/2007  
WARNER NORCROSS & JUDD LLP  
900 FIFTH THIRD CENTER  
111 LYON STREET, N.W.  
GRAND RAPIDS, MI 49503-2487

EXAMINER

DIVECHA, KAMAL B

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/044,036	KIKTA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	KAMAL B. DIVECHA	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____   | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

Claims 1-31 are pending in this application.

Claims 32-66 were previously cancelled.

**Continued Examination Under 37 CFR 1.114**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed May 29, 2007 in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 29, 2007 has been entered.

**Response to Arguments**

Applicant's arguments filed in association with a Request for Continued Examination (RCE) with respect to claims above have been fully considered but are moot in view of the new ground(s) of rejection, as presented herein, as necessitated by the substantial amendments

**Specification**

The incorporation of essential material in the specification (page 8) by reference to an unpublished U.S. application, foreign application or patent, or to a publication is improper. Applicant is required to amend the disclosure to include the material incorporated by reference, if the material is relied upon to overcome any objection, rejection, or other requirement imposed by the Office. The amendment must be accompanied by a statement executed by the applicant, or a practitioner representing the applicant, stating that the material being inserted is the material previously incorporated by reference and that the amendment contains no new matter. 37 CFR 1.57(f).

The specification is objected to under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

The test to be applied under the written description portion of 35 U.S.C. § 112, first paragraph, is whether the disclosure of the application as originally filed reasonably conveys to the artisan that the inventor had possession at that time of later claimed subject matter. Vas-Cat, Inc. v. Mahurkar, 935 F. 2d 1555, 1565, 19 USPQ2d 111, 1118 (Fed. Cir. 1991), reh'rg denied (Fed. Cir. July 8, 1991) and reh'rg, en banc, denied (Fed. Cir. July 29, 1991).

The applicants have failed to provide an enabling disclosure in the detailed description of the embodiment. The specification is objected to under 35 U.S.C. § 112, first paragraph, as

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failing to support the subject matter set forth in these claims, i.e. lack of written description. See MPEP § 2163.

Claim 1 recites:

A control system for controlling automated applications in a building environment comprising:

a communications network;

a plurality of application controllers connected to said communications network, each of said application controllers including means for controlling operation of a corresponding automated device, each of said plurality of application controllers having a controller type;

a control interface connected to said communications network, said control interface including a database having a plurality of at least one profiles, each of said plurality of profiles associated with said controller type of one of said plurality of application controllers, **wherein each of said plurality of profiles contains a plurality of pre-defined application controller type specific commands;** and

self-configuration means for providing automated configuration of each of said plurality of application controllers on said communications network, said self-configuration means including means for conveying said controller type from each of said plurality of application controllers a first application controller, the first application controller being one of the plurality of application controllers, to said control interface over said communications network, said self-configuration means further including means for identifying one of said plurality of profiles for each of said conveyed controller types in said database, **said self-configuration means further including means for configuring each of said plurality of application controllers using at least one of said plurality of pre-defined application controller type specific commands of said identified profiles.**

Whereas the applicant specification is completely silent in reference to a “profile containing a plurality of pre-defined application controller type specific commands” and “self configuring means for configuring each of said plurality of application controller using at least one of said plurality of pre-defined application controller type specific commands of identified profiles”.

In support, applicant specification discloses:

A. Operation Overview (specification, pg. 35-40).

The local control interface 12 and application controllers are capable of communicating over a variety of hardwire and/or wireless communication backbones. In the preferred embodiment, the present invention uses Echelon Corporation's LonWorks technology as its communications medium. The network architecture is primarily master/slave with peer-to-peer (i.e., application controller to application controller) communications only as required by some applications. The local control interface 12 initiates most exchanges of communication with the application controllers. All communication exchanges are initiated using LonWorks explicit messages with explicit addressing (i.e. direct 48-bit Neuron ID addressing). **The local control interface 12 uses Standard Network Variable Types (SNVTs) for the standard data object model values sent via explicit addressing to each application controller.** The application controllers 14, 15, 16 and 18 and the controller interface 12 also provide LonWorks SNVTs for access to

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system features via third-party LonWorks devices. In operation, the local controller interface 12 does not directly manipulate the third-party device's SNVTs using LonWorks Network Management commands, however, third party networking tools can. Although the present invention preferably operates using LonWorks, the control system is well-suited for use with essentially any private protocols or "plug and play" open communications protocols.

The local control interface 12 also provides a control configuration wizards that walk the user through the steps required to monitor and/or set the control variables for a particular application controller. The wizards include easy-to-use graphical setup screens for common configuration items, such as ...

As noted above, the application controllers 14, 15, 16 and 18 operate in accordance with various control variables that are specified by the user (or through pre-set default values). For example, an HVAC application will include a temperature variable that sets the desired inside temperature for the corresponding area. As in many conventional control systems, the application controllers are capable of operating in two distinct modes, one when the area is occupied and one when it is not. For example, an HVAC application may include a first temperature setting to be satisfied when the area is occupied and a second temperature when the area is not occupied.

Although the application controllers are typically capable of operating in a stand-alone mode, they are capable of communicating with the local control interface 12. Through these communications, the local control interface 12 has the ability to set control variables values within the application controllers using explicit messages and SNVTs for data structures. This permits the local control interface 12 to affect operation of the various system applications. The application controllers are preprogrammed with the data structure or format of all explicit messages associated with the controller type. This permits the application controllers to parse and understand the explicit messages. Alternatively, the applications may be downloaded with this information as necessary, for example, to add new explicit messages or to modify existing explicit messages.

#### B. Preprogramming of Local Control Interface

As described in some detail above, the local control interface 12 allows users to specify occupancy groups, schedules, holidays and setpoints for the various application controllers. This information may be entered into the local control interface 12 using its touch screen. If desired, this information can be entered into a PC-based program and downloaded into the local control interface 12 via the serial port in the AM186EM main processor.

The control system 10 of the present invention permits self-configuration and integrated operation of application controllers of various types. This is preferably achieved by preprogramming the control system 10 with a configuration table that stores profiles for the various controller types recognized by the system 10. Although the precise information included in these profiles will vary for each application controller, these profiles generally include information about the input SNVTs, output SNVTs and configuration SNVTs of all supported controller types (emphasis added). The table and its associated routines provide for lookup of SNVTs by name...

In a preferred embodiment, each profile includes a record for each variable supported by the application controller. The record includes a field for variable type, variable name, display name and variable number. The variables are preferably classified in one of three different types--namely, input variables, output variables and input configuration variables. Input variables represent variables that can be sent to the application controller by the local control interface. Output variables represent variables that can be sent by the application controller to the local control interface. And finally, input configuration variables are control variables that relate to operation of the application controller, but that are not routinely varied through local control interface 12 commands or otherwise. Each application controller is preferably pre-loaded with default values for all control variables. This facilitates automated configuration, by eliminating the need to provide these control variables with initial values. By way of example, the following is an implementation of the profile for an AHU-1 application controller presented a "C" header file:

The disclosure above clearly fails to teach, disclose and/or suggest the usage of profile, wherein the profile contains plurality of pre-defined application controller type specific commands (emphasis added) and the fact that the configuration of plurality of application controllers is based on these pre-defined application specific commands.

Stated another way, there is no support found in the original specification for the amendatory claim language and/or functionalities.

Claim 19-31 discloses the similar subject matter and/or functionalities.

Hence, the above claimed limitations presents the subject matter situations and was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

**Claim Rejections - 35 USC § 112**

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claims 1-31 are rejected under 35 U.S.C. 112, first paragraph, for the same reasons as set forth in specification above.

Claims 2-18 are rejected due to their dependency on claim 1.

Claims 19-31 are rejected for the same reasons as set forth in reference to claim 1 above.

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The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 19-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 19-31 recites the limitation “explicit address(ing)” in the claims. The applicant failed to distinctly claim and provide an intended meaning of the term “explicit address”. It is therefore unclear what the applicant intends to cover by this limitation.

Applicant is also reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 19-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pascucci et al. (hereinafter Pascucci, U. S. Patent No. 5,550,980) in view of Hite et al. (hereinafter Hite, US 7,213,061 B1).

As per claim 19, Pascucci discloses a control system for automated applications in a building environment (fig. 14) comprising: a communications network (fig. 15 item #15-7); a plurality of applications controllers connected to said communications network, each of said application controllers providing automated operation of a corresponding application, each of said application controllers being capable of providing automated operation of said corresponding controllers in accordance with a plurality of control variables (fig. 14 item #14-15, 14-17, 14-19, col. 51 L50-67, col. 35 L30-66); a control interface connected to said network (fig.

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14 item #14-1), said control interface including means for transmitting explicit messages to each of said application controllers, said explicit messages including commands for adjusting said control variables of said application controller (col. 70 L54 to col. 71 L56, col. 51 L50-67; col. 35 L1-19); wherein each of said application controllers include means for processing said commands received from said control interface in said explicit messages and means for adjusting a value of said control variables in accordance with said command, whereby said control interface is capable of controlling operation of said application controllers (col. 31 L21-39, col. 41 L42-55, col. 77 L66 to col. 78 L15 and col. 85 L40 to col. 86 L14).

However, Pascussi does not expressly disclose using the pre-defined application controller specific commands for adjusting said plurality of control variables of plurality of application controllers.

Hite expressly discloses the control system for controlling a building environment by using the pre-defined application specific commands for adjusting the control variables of plurality of application controllers (col.1 L25-55, col. 3 L20-47, col. 11 L38 to col. 12 L67, Table A: lists plurality of pre-defined commands, col. 58 L11-67: command controlling the device and/or application controller).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Pascussi in view of Hite in order to use the pre-defined commands in order to control the application controller.

One of ordinary skilled in the art would have been motivated because it would have enabled controlling the appliance and/or device through the commands (Hite, col. 3 L30-47).

As per claim 20, Pascucci discloses a system wherein the application controllers include application controllers of a plurality of different controller types and control interface including a preprogrammed database containing least one profile, said profile defining plurality of control variables for said one of said controller types (col. 67 L9-10, fig. 64 item #64-14, 64-30 and col. 33 L49-67: also note the configuration of master/slave controllers).

As per claim 21, Pascucci discloses a system wherein the preprogrammed database containing a plurality of profiles, each of said profiles being uniquely associated with one of said controller types and defining of control variables for said one of said controllers types (col. 67 L9-10, fig. 64 item #64-14, 64-30 and col. 33 L49-67).

As per claim 22, Pascucci discloses a system wherein said plurality of application controllers includes at least one HVAC application controller, at least one lightning application controller and at least one access control application (col. 85 L65-67, fig. 15 item #15-1 and fig. 10 item #10-1).

As per claim 23, Pascucci discloses a system comprising a network server interface, said network server interface including a means for monitoring and controlling operation of said control system over an Internet connection (col. 26 L44-52 and fig. 16 and col. 32 L5-67).

As per claim 24, Pascucci discloses a system wherein control interface includes a means for periodically transmitting a ping to each of said application controllers (fig. 14 item #14-1, fig. 15 item #15-1, 15-27) and a means for receiving a response to said ping from each of said application controllers (Pascucci: fig. 15 item #15-9, fig. 9A item #9-27, 9-7 and fig. 10 item #10-7; Hite: col. 35-36 Table B).

As per claim 25, Pascucci discloses a system wherein each of said application controllers includes a means for receiving said ping from control interface (col. 31 L21-30) and a means for transmitting a response to said ping to said control interface (col. 31 L21-39 and col. 56 L1-51; See also Hite: col. 35-36 Table B).

As per claim 26, Pascucci discloses a system wherein said ping for at least one of said application controllers includes data for updating said application controller with current system information, said application controller including a means for updating certain of said control variables in accordance with said current system information (col. 41 L42-55).

As per claim 27, Pascucci discloses a system wherein said response transmitted by at least one of said application controllers includes data relevant to at least one other of said application controllers, said control interface including means for transmitting said data included in said response to said other of said application controllers (col. 31 L20-30, col. 57 L25-62, col. 58 L37-57 and col. 44 L6-12, since application specific controllers are attached to network controller unit through N2 bus for communication).

As per claim 28, Pascucci discloses a system wherein control interface includes means for generating an alarm (col. 35 L25-31, col. 62 L44-67) for reporting of predefined conditions (note application controller fails to respond is also considered a predefined condition), however Pascucci does not teach the process of generating an alarm if any of said application controllers fails to respond to said ping (a message or command).

Hite discloses the process of pinging the device and/or application controller (col. 35 L15-67 and/or Table B).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Pascucci in order to generate the alarm if application controller fails or does not respond to ping, command or a message.

One of ordinary skilled in the art would have been motivated because it would have provided a mechanism of notifying high level features and/or operator of changes to act as a trigger mechanism (Pascucci, col. 35 L25-30).

4. Claim 1-6, 9-18 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pascucci et al. (hereinafter Pascucci, U. S. Patent No. 5,550,980) in view of Hite et al. (hereinafter Hite, US 7,213,061 B1), and further in view of Pouchak et al. (hereinafter Pouchak, Pub. No.: 2003/0005086 A1).

As per claim 1, Pascucci discloses a control system for controlling automated applications in a building environment comprising:

- a communications network (fig. 15 item #15-7);

- a plurality of applications controllers connected to said communications network, each of said application controllers including means for controlling operation of a corresponding automated device, each of said application controllers including a controller type (fig. 10 item #10-1, fig. 15 item #15-15, 15-19, fig. 17 item #17-13 and fig. 64);

- a control interface connected to said communications network, said control interface including a database having plurality of profiles, each of said plurality of profiles associated with said controller type of one of said plurality of application controllers, wherein each of said plurality of profiles contains plurality of pre-defined application controller type specific variables

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(col. 33 L55 to col. 34 L26, col. 41 L29 to col. 42 L67, fig. 15 item #15-1, 15-3, 15-5, fig. 11 item #11-3, fig. 20 item #20-11, 20-2, fig. 64 item #64-14, 64-30);

a means for conveying said controller type of said application controller from each of plurality of application controllers to control interface over said communication network (col. 48 L23-30);

a means for configuring application controller based on a profile corresponding to said controller type of said application controller (col. 36 L40-65, col. 42 L8-35);

a means for identifying one of said plurality of said profiles for each of said conveyed controller types in said database (col. 41 L29 to col. 42 L56, col. 50 L10-31, col. 33 L55 to col. 34 L-67, col. 35 L57 to col. 36 L67).

However, Pascucci does not disclose a self-configuration means for providing automated configuration of each of said application controller on said network and a means for configuring each of said plurality of application controllers using at least one of said plurality of pre-defined application controller specific commands.

Pouchak discloses the process of automatic self-configuration of the controllers on the network (page 1 [0004], page 9 [0105-0108], page 10 [0120-0128]).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Pascucci in view of Pouchak, in order to include a self-configuration means for automatic configuration of the application controller, since Pouchak explicitly teaches and discloses the process of automatic self-configuring of the controllers on the network.

One of ordinary skilled in the art would have been motivated because it would have provided a mechanism for automatic node addressing and self-configuration for multi-node control systems (Pouchak, page 9 [0105], page 10 [0129]).

However, Pascussi and Pouchak does not disclose a means for configuring each of said plurality of application controllers using at least one of said plurality of pre-defined application controller specific commands.

Hite expressly discloses the control system for controlling a building environment by using the pre-defined application specific commands (col.1 L25-55, col. 3 L20-47, col. 11 L38 to col. 12 L67, Table A: lists plurality of pre-defined commands, col. 58 L11-67: command controlling the device and/or application controller).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Pascussi in view of Hite in order to use the pre-defined commands in order to control and/or configure the application controller.

One of ordinary skilled in the art would have been motivated as to enable the appliances and/or devices to operate and or act according to command (Hite, col. 3 L30-47).

As per claim 2, Pascucci discloses a system wherein application controllers controls operation of said corresponding automated device in accordance with at least one variable (col. 34 L26-43); and wherein control interface includes means for controlling operation of said application controller by specifying a value of said variable (fig. 20 item #20-1, col. 41 L28-64, col. 64 L66 to col. 65 L10 and col. 78 L13-20).

As per claim 3, Pascucci discloses a system wherein the database of at least one profile for a controller type is further defined as including a plurality of profiles for application

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controllers of different controller types (col. 67 L9-10, fig. 64 item #64-14, 64-30 and col. 33 L49-67).

As per claim 4, Pascucci discloses a system wherein said control system includes means for transmitting explicit messages to said application controllers (fig. 14 item #14-7, 14-1, 14-13 and fig. 12 item #12-3, 12-5, 12-1, col. 58 L39-42); and said application controllers including a means for receiving said explicit messages from said control interface (col. 58 L39-44 and fig. 10 item #10-3, 10-1), however Pascucci does not teach that each of said explicit messages includes an identification unique to a specific one of said application controllers and does not disclose a means for recognizing only those of said explicit messages which include an identification unique to said application controller in which said means for receiving resides. Pouchak discloses a means for recognizing only those of explicit messages which include an identification unique to said application controller (page 1 [0004] and page 4-5 [0074]). Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Pascucci in view of Pouchak, in order to include a means for recognizing only those explicit messages, which include identification unique to application controller, since Pouchak explicitly teaches this process. One of ordinary skilled in the art would have been motivated because it would have enabled the communication of control information between nodes utilizing subnet and node addressing (Pouchak, see abstract).

As per claim 5, Pascucci discloses a system wherein said means for transmitting explicit messages include means for incorporating said value of said variable into said explicit message (col. 85 L40-64).

As per claim 6, Pascucci discloses a system wherein said database of profiles includes input, output and configuration data structures for application controllers (col. 34 L3-60, col. 33 L55-67, col. 37 L30-41).

As per claim 9, Pascucci discloses a system wherein control interface includes a means for monitoring a status of each of said application controllers (col. 85 L40-67), said means for monitoring including a means for periodically transmitting a ping to each of said application controllers (fig. 14 item #14-1, fig. 15 item #15-1, 15-27) and a means for receiving a response to said ping from each of said application controllers (fig. 15 item #15-9, fig. 9A item #9-27, 9-7 and fig. 10 item #10-7).

As per claim 10, Pascucci discloses a system wherein each of said application controllers includes a means for receiving said ping from control interface (col. 31 L21-30) and a means for transmitting a response to said ping to said control interface (col. 31 L21-39 and col. 56 L1-51).

As per claim 11, Pascucci discloses a system wherein said plurality of application controllers includes at least one HVAC application controller, at least one lightning application controller and at least one access control application (col. 85 L65-67, fig. 15 item #15-1 and fig. 10 item #10-1).

As per claim 12, Pascucci discloses a system wherein control interface includes a database of application control software images (fig. 64 item #64-14); and means for downloading said control software images into at least one of said application controllers (fig. 64 item #64-40, fig. 33 item #33-5 and col. 30 L15-48).

As per claim 13, Pascucci discloses a system comprising a means for downloading said application controller software images into said local control interface from an external source, whereby said application controller software images can be upgraded (col. 30 L15-48).

As per claim 14, Pascucci discloses a system with plurality of applications controllers (fig. 14 and fig 15), and it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to conclude that Pascucci's application controllers are preprogrammed with the networking and configuration software enabling said at least one application controller to receive and install application controllers control software images downloaded by local interface, because these features are deemed to be inherent and without the control software image and basic network configuration of application controller, the Pascucci's system would not operate.

As per claim 15, Pascucci discloses a system wherein control interface includes a means for downloading a local control interface control software image into said local control interface (col. 30 L15-48).

As per claim 16, Pascucci discloses a system comprising means for downloading said local control interface control software image into said local control interface from an external source, whereby said local control interface control software images can be upgraded (col. 30 L15-48).

As per claim 18, Pascucci discloses a system wherein at least one of said local control interface and said application controllers is preprogrammed with a generic programming language and includes a means for downloading a control program to be run by said programming language to define operation of at least one of said local control interface and said

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application controllers (col. 33 L1-36, fig. 14 item #14-1, 14-15, 14-17, fig. 15 item #15-1, 15-3, 15-15, 15-11).

As per claims 17 and 29, they do not teach or further define over the limitations in claims 1-6 and 9-18. Therefore claims 17 and 29 are rejected for the same reasons as set forth in claims 1-6 and 9-18.

5. Claims 7-8 and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pascucci et al. (hereinafter Pascucci, U. S. Patent No. 5,550,980) in view of Hite et al. (hereinafter Hite, US 7,213,061 B1), further in view of Pouchak et al. (hereinafter Pouchak, Pub. No.: 2003/0005086 A1), and further in view of Simmons et al. (hereinafter Simmons, U. S. Patent No. 6,349,883 B1).

As per claim 7, Pascucci, Hite and Pouchak discloses a system wherein control interface includes a means for grouping a plurality of application controllers into an occupancy group (into a group, Pascucci, col. 40 L30-65).

However, Pascucci, Hite and Pouchak does not disclose a means for defining said occupancy status of each of said application controllers in a given group as a group (i.e. interpreted as indicating occupancy status of each group or zone).

Simmons discloses an occupancy indication means for indicating individual occupancy status within respective ones of utility zones (col. 9 L27-51 and fig. 1, col. 5 L50-67 and col. 6 L51-55).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Pascucci, Hite and Pouchak in view of Simmons in order to

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include an occupancy indication means, since Simmons explicitly teaches and discloses the process of indicating individual occupancy status within respective zones.

One of ordinary skilled in the art at the time the invention was made would have been motivated because significant energy savings would have been effected by introducing the occupancy factor into the control system (Simmons, col. 4 L16-25, col. 3 L13-23).

As per claim 8, Pascucci discloses a system comprising a network server interface, said network server interface including means for monitoring and controlling operation of said control system over an Internet connection (fig. 16 and col. 32 L5-67, col. 26 L44-52, fig. 33 and fig. 37).

As per claim 31, Pascucci in view of Pouchak do not disclose a system wherein control interface includes a means for calculating a person count for at least one of said groups based on access entry and access exit information received by said control interface from an access control unit (i.e. a motion detector that detects the motion) and means for defining occupancy status of said controllers within said group based on said person count.

Simmons discloses a system that includes motion detectors (a means for calculating person count) so that the occupancy status of the zones could be provided (col. 3 L13-24, col. 5 L50-60, col. 7 L1-26, col. 9 L28-60).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Pascucci in view of Pouchak, and further in view of Simmons, in order to include a means for calculating a person count for at least one group and defining the occupancy status of the group or controller.

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One of ordinary skilled in the art would have been motivated because of the same reasons as set forth in claim 7.

As per claim 30, it does not teach or further define over the limitations in claims 7-8 and 31. Therefore claim 30 is rejected for the same reasons as set forth in claims 7-8 and 31.

### **Additional References**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Einkauf et al., U. S. Patent No. 5,579,482: Storing interface information.

### **Conclusion**

This action is made Non-Final.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAMAL B. DIVECHA whose telephone number is 571-272-5863. The examiner can normally be reached on Increased Flex Work Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Kamal Divecha/

Kamal Divecha  
Art Unit 2151.

*Valencia Markie Weller*  
SPE Art Unit 2151